

FARMINGTON CITY PLANNING COMMISSION

Thursday, February 27, 2003

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kent Forsgren, Planning Commissioners Bart Hill, Cindy Roybal, Cory Ritz, Jordan White, Sid Young, City Manager Max Forbush, and Deputy City Recorder Jeane Chipman. Planning Commissioner Jim Talbot and City Planner David Petersen were excused.

Chairman Forsgren called the meeting to order at 7:00 P.M. **Cory Ritz** offered the invocation.

APPROVAL OF MINUTES

Motion:

Cory Ritz moved that the minutes of the February 13, 2003, Planning Commission Meeting be approved as corrected. **Cindy Roybal** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: COWBOY PARTNERS REQUEST FOR RECOMMENDATION TO AMEND THE GENERAL PLAN FROM “OFFICE/BUSINESS PARK” TO “MEDIUM DENSITY RESIDENTIAL” REGARDING 8.98 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 400 WEST BURKE LANE AND TO FURTHER REZONE SAID PROPERTY FROM BP TO R-8 FOR THE PURPOSE OF DEVELOPING 112 LUXURY APARTMENTS (Z-2-03) (Agenda Item #2)

Background Information:

The Planning Commission reviewed this agenda item on February 13, 2003. Representatives from Lagoon were in attendance and they expressed reservations regarding the proposed uses associated with an R-8 zone. They requested that the General Plan should not be amended. The Planning Commission tabled the request pending a meeting between the applicant, the City Planner and Lagoon. This meeting is planned for Wednesday, February 26th.

END OF PACKET MATERIAL.

Public Hearing:

Chairman Forsgren opened the meeting to a public hearing and invited the applicant to address the Commission.

Dan Lofgren (representing Cowboy Partners, L.C.) reported meeting with representatives from the Lagoon Corporation. Concerns had been raised regarding noise and economic development study results which may indicate a different use for the property in question. Mr. Lofgren stated his company was still very much interested in constructing the luxury apartment units on the north side of Burke Lane across from Lagoon Drive. He felt that with further meetings, all issues could be resolved. However, he asked that the Commission table the application until such meetings could be held.

Dick Dejong (owner of the adjacent property to the north) stated that he had lived with the noise from Lagoon for many years. He had no problem with it but knew that people moving into the area may. He expressed his concern about the City's placement of commercial development and felt that the economic development studies currently underway should be completed before making a decision on the Cowboy Partners proposal for the apartment complex.

Dal Freeman (representing the Lagoon Corporation, residence at 1825 North Hampton) raised concerns regarding land use. Lagoon wished to be a good neighbor and was concerned about noise issues. He stated the Park was planning to develop the 46 acre parcel to its north (property located directly south of the proposed apartment complex) by building large rides such as a new roller coaster on that property. He stated that Lagoon was anxious to cooperate with the desires of Farmington and that it was Farmington City which had asked that large rides be built to the west near the freeway. An apartment complex would not work well so close to such rides.

Sheldon Kilpack (member of the Davis County Chamber of Commerce and representative of the Lagoon Corporation) stated that it was very important for the City to complete its economic study and to plan for specific locations for commercial endeavors, buffers, and for separate residential areas. He felt that the apartment complex should not go where commercial entities were being considered.

Public Hearing Closed:

With no further comments, **Chairman Forsgren** closed the public hearing and asked for the consideration of the Planning Commission.

Motion:

After a brief discussion, **Sid Young** moved that the Planning Commission continue the public hearing regarding Cowboy Partners, L.C., request for the General Plan amendment until such time that the applicant and the City Planner could meet and further resolve pertinent issues. **Bart Hill** seconded the motion, which passed by unanimous vote.

Reasons for the motion:

- The applicant had requested the item be postponed until further study and negotiations could be concluded.

- ▮ The motion allowed time for the City Planner to discuss issues with the applicant.

Mr. Forbush informed the Planning Commission that a joint meeting for the Planning Commission and the City Council regarding economic development would be held at 6:30 P.M. on March 19th.

**PUBLIC HEARING: DAVID AND CAROLYN ALLEN REQUEST FOR A
RECOMMENDATION TO AMEND THE ZONING ORDINANCE TO ALLOW
“SECONDARY DWELLINGS” AS A PERMITTED USE IN THE R-2 ZONE (ZT-1-03)
(Agenda Item #3)**

Background Information:

The Allens recently purchased a vacant parcel north of 300 North on the east side of Main Street. Their desire is to build a single-family home at this location to include another dwelling unit within the building for family members and relatives. They eventually want to rent the second dwelling unit to a non-family member. In other words they had hoped to create a two-family dwelling as defined by the Zoning Ordinance.

Two family dwellings are a permitted use in the R-2 zone. Nonetheless the City Council enacted a temporary zoning regulation for the area whereby no new applications for two-family dwelling projects shall be reviewed by the City for at most 6 months. This will give the City time to propose an OTR zone for this area. However, the temporary, regulations do not prevent review of applications for secondary dwellings.

A few months ago the City approved an ordinance allowing for the creation of secondary dwelling units. It is a use less intense regarding potential negative impacts than a two-family dwelling. In the case of a two-family dwelling both dwelling units may be renter-occupied, but regarding a single-family dwelling which contains a secondary dwelling unit, one of the dwelling units must be owner occupied. Therefore, if a two family dwelling is a permitted use in an R-2 zone it stands to reason that a “Secondary Dwelling Unit” use with less potential impacts should also be reviewed as a permitted use in the same zone.

END OF PACKET MATERIAL.

Public Hearing:

Chairman Forsgren opened the meeting to a public hearing and invited the applicant to address the Commission members.

David Allen explained his intent to build a single-family dwelling on the property recently purchased north of 300 North on Main Street. He also wanted to include a portion of the

home to be used as a separate dwelling unit by family members such as parents or children needing financial or other help. The second dwelling unit would possibly be used by non-family in a rental situation. This situation would be considered a secondary dwelling. A two-family dwelling (different from a secondary dwelling) is a permitted use in the R-2 zone. However, a moratorium had been placed on construction in the area to allow the City time to consider rezoning the property OTR. Mr. Allen stated that if the Planning Commission would amend the zoning ordinance to allow the “secondary dwelling” as a permitted use in the R-2 zone, it would allow him to move forward with the plans for his home.

Richard Ellis (44 East 400 North) discussed the zoning impact the requested amendment would have on his property. He stated that his property was adjacent to the Allen property and was for sale. He had had an offer from a developer who wanted to construct a multi-family dwelling. Mr. Ellis knew the City was discouraging multi-family dwellings and that the OTR zone was being considered for the area. When he learned that Mr. Allen was requesting an amendment to the R-2 zone designation to allow a two-family dwelling, Mr. Ellis felt that he would like the same consideration. He felt that the two pieces of property should be treated under the same zoning restrictions.

Chairman Forsgren thanked Mr. Ellis for his comments and stated that the Commission was unable to consider his request without an official application.

Darren Regis (340 North Main) asked several questions about how a zone change would impact his property. He expressed concern that the new home would negatively affect the privacy of his back yard.

Chairman Forsgren stated the issue before the Planning Commission was not a zone change, rather it was an amendment to the text of the R-2 designation to allow a “secondary dwelling” as a permitted use.

Mr. Regis stated he was interested in creating a rental unit on his property. He repeated his concern about the placement of the new home and if it would impair the privacy of his back yard.

Public Hearing Closed:

A discussion of set back restrictions ensued which indicated that the new home would be restricted in its placement. With no further forthcoming comments, **Chairman Forsgren** closed the public hearing.

The Planning Commission discussed the issues, including the following points:

- ▮ Jordan White commented that the Commission members needed to remember that

the definition of a “secondary dwelling” and a “multi-family dwelling” or “two-family dwelling” were not the same. The secondary dwelling must always have an owner occupant in one of the dwellings, where a multi-family dwelling can be entirely renter occupied.

- ⌞ The issue before the Commission was to consider an amendment to the R-2 Zoning Ordinance to allow the “Secondary Dwelling” as a permitted use.
- ⌞ The secondary dwelling use is a less intense use than a two-family dwelling.
- ⌞ The two-family dwelling use is a permitted use in the R-2 zone. The secondary dwelling use is not, thus the request.
- ⌞ The requested amendment will impact that Allen family in the timing of construction of their home.

Motion:

Jordan White moved that the Planning Commission recommend to the City Council that David and Carolyn Allen’s request to amend the Zoning Ordinance to allow “Secondary Dwellings” as a permitted use in the R-2 zone be approved. **Cory Ritz** seconded the motion, which passed by unanimous vote.

Reasons for the motion:

- ⌞ The recommendation to the City Council takes into account that the Council is aware of the potential for rezoning the property to OTR. The OTR zone allows for a secondary dwelling use.
- ⌞ The motion recognizes and will expedite conditions of the likely zone change for the applicant.
- ⌞ The secondary dwelling use is a less intense use than the two-family dwelling use, which is already permitted within the R-2 zone.
- ⌞ The OTR zone will likely be implemented soon.

CITY COUNCIL REPORT AND MISCELLANEOUS

Rich Love Subdivision Expansion Discussion

Rich Love (representative of the Shepard Lane Park Subdivision) was present to request

a discussion regarding expanded development of the subdivision just south of the new Bayview Animal Hospital on Shepard Lane. The first phase of the subdivision was complete. The concern was that the rest of the subdivision was being taxed as if it was developable property, but the developers were not being allowed to develop any more lots due to the 1000 foot dead-end street limitation. The measurement of the dead-end street started at Shepard Lane and ran down 700 West then into the subdivision. Mr. Love stated that 700 West will likely go through at some point and wanted to have an exception to the 1000 foot limitation. He also noted that no more residential development will be constructed because the Animal Hospital had already occupied land for that possible use. He had spoken with the Fire Chief who felt it would be good to finish the cul-de-sac turn around, which at present is a temporary turn around. However, the Fire Chief did not want to give his official endorsement to the project because of his relationship with Mr. Love.

Mr. Forbush stated that the City Council is very strict about the 1000 foot dead-end street limitation. In regards to the subdivision, it would likely be better to develop the property as proposed, but serious consideration must be given to the issues of public safety. He suggested that Mr. Love discuss the issue with City staff. It may be that some negotiations with Davis County could be conducted in order to have the property designated as undevelopable at this time in order to have the taxable value reduced.

Miscellaneous Items

The packet contained a letter from David Potter who wanted to have his opinion on record regarding economic development near Shepard Lane.

Mr. Forbush stated that the City Council received the application for the Buffalo Ranch project with favorable reactions.

Mr. Forbush reported that Ken Hardy had not yet resolved relocation of his business to a more appropriate location. Negotiations are still in progress.

It was noted that the roster for the Planning Commission was in error. Sid Young is the Vice-Chairman of the Planning Commission

ADJOURNMENT

Cindy Roybal moved to adjourn at 8:30 P.M. **Sid Young** seconded the motion, which passed by unanimous vote.

Kent Forsgren, Chairman
Farmington City Planning Commission